

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ENILSON CARLOS DIAS

Petitioner,

-against-

**ORDER**

04-cv-05391 (ADS)

THOMAS RIDGE, Secretary, Department of Homeland  
Security, MICHAEL J. GARCIA, Assistant Secretary  
(designee) United States Immigration and Customs  
Enforcement, JOHN P. CARBONE, Interim Field Office  
Director of New York City, Immigration and Customs  
Enforcement, DEPARTMENT OF HOMELAND  
SECURITY, UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT,

Respondent.

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**APPEARANCES:**

**BRETZ & COVEN, LLP**

Attorneys for the Petitioner

305 Broadway

Suite 100

New York, NY 10007-1109

By: Jules E. Coven, Esq., Of Counsel

**ROSLYNN R. MAUSKOPF**

**UNITED STATES ATTORNEY**

**EASTERN DISTRICT OF NEW YORK**

Attorney for the Respondent

One Pierrepont Plaza, 14th Floor

Brooklyn, NY 11201

By: Dione M. Enea, Assistant U.S. Attorney

**SPATT, District J.**

The instant petition for a writ of *habeas corpus* under 28 U.S.C. § 2241 challenging an order of deportation was filed on December 10, 2004. On May 11, 2005, Congress enacted the Real ID Act of 2005 (“the Act”), Pub. L. No. 109-13, §106, 119 Stat. 231, which among other things, provides:

[i]f an alien’s case, brought under section 2241 of title 28, United States Code, and challenging a final administrative order of removal, deportation, or exclusion, is pending in a district court on the date of the enactment of this division, then the district court shall transfer the case (or the part of the case that challenges the order of removal, deportation or exclusion) to the court of appeals for the circuit in which a petition for review could have been properly filed . . . .

The Act specifically states that these provisions shall take effect on the enactment date and shall apply to cases “in which the final administrative order of removal, deportation, or exclusion was issued before, on, or after the date of the enactment of this Act.”

Accordingly, this Court cannot hear the instant action and transfers it to the United States Court of Appeals for the Second Circuit pursuant to § 106 of the Real ID Act of 2005. The Clerk of Court shall transfer this matter to the Second Circuit and close this case.

**SO ORDERED.**

Dated: Central Islip, New York  
May 25, 2005

/s/ Arthur D. Spatt  
ARTHUR D. SPATT  
United States District Judge